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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,383	04/19/2006	Shinya Ogasawara	9694-000040/US/NP	1871
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GREGORY A. STOBBS 5445 CORPORATE DRIVE SUITE 400 TROY, MI 48098			EXAMINER CHEN, TIANJIE	
			ART UNIT 2627	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,383	<b>Applicant(s)</b> OGASAWARA ET AL.	
	<b>Examiner</b> Tianjie Chen	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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***Non-Final Rejection***

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Objections***

2. Claim 5 is objected to because of the following informalities:

- In claim 5, line 3, "said should be changed to --a--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Minamimoto (JP 2000-090529A).

Claim 1, Minamimoto shows a disk apparatus in Fig. 5 including:

a stationary frame 1 having an opening 3 ([0015]) for inserting or ejecting a disk-shaped recording medium 39,

a disk guide 27 ([0019]) which is rotatably (around shaft 28 ([0019]) provided in the proximity of the opening 3 of the stationary frame 1, and which leads the insertion and ejection of the disk-shaped recording medium, and

a floating unit 5 with damper rubbers 11 ([0016] and [0017]) has a function to perform recording and/or reproducing on the disk-shaped recording medium, wherein

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the floating unit includes a disk-carrying member having a roller arm 26 ([0019]) which rotates itself while pressing the disk-shaped recording medium onto the disk guide, so as to carry the disk-shaped recording medium to a desired position.

Claim 2, Minamimoto shows that a space between the disk guide 27 and the floating unit 26 is used as a space for carrying the disk-shaped recording medium, and as a space for holding the floating unit in a floating state (Fig. 5).

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuchiya (US 7,107,603).

Claim 1, Tuchiya shows a disk apparatus in Figs. 1 and 9 including:

a stationary frame having an opening (Fig. 9) for inserting or ejecting a disk-shaped recording medium D,

a disk guide 17c which is rotatably provided in the proximity of the opening of the stationary frame, and which leads the insertion and ejection of the disk-shaped recording medium (Fig. 1; column 5, lines 12-24 and 39-41), and

a floating unit supported by elastic members 40a-c (Fig. 9; column 7, lines 32-35) as a function to perform recording and/or reproducing on the disk-shaped recording medium, wherein

the floating unit includes a disk-carrying member having a roller arm 18 (Fig. 17; column 5, lines 39-42) which rotates itself while pressing the disk-shaped recording medium onto the disk guide, so as to carry the disk-shaped recording medium to a desired position.

Claim 2, Tuchiya shows that a space between the disk guide 27 and the floating unit 26 is used as a space for carrying the disk-shaped recording medium, and as a space for holding the floating unit in a floating state (Fig. 5).

Claim 3, Tuchiya shows that a desirable sized space for carrying the disk-shaped recording medium is formed when the roller arm 18 is operated to press the disk-shaped recording medium onto the disk guide while the disk-shaped recording medium is being carried, and wherein a desired space for holding the floating unit in a floating state in the stationary frame is ensured, when the clamping member 36 (Fig. 8) performs a clamping operation to clamp the disk-shaped recording medium at a recording/reproducing position during a recording/reproducing operation, after the roller arm 18 is free from the pressing operation to the disk guide (Fig. 8).

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Claim 4, Tuchiya shows a locking mechanism which locks the floating unit to the stationary frame, when the disk-shaped recording medium is inserted and carried, when the disk-shaped recording medium is carried and ejected, or when the ejection of the disk-shaped recording medium is completed (Column 17, lines 11-15).

*Allowable Subject Matter*

5. Claims 5-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claim 5, as the closest reference of record, Tuchiya (US 7,107,603) shows a disk apparatus in Figs. 1 and 9 including: a stationary frame having an opening (Fig. 9) for inserting or ejecting a disk-shaped recording medium D, a disk guide 17c which is rotatably provided in the proximity of the opening of the stationary frame, and which leads the insertion and ejection of the disk-shaped recording medium (Fig. 1; column 5, lines 12-24 and 39-41), and a floating unit supported by elastic members 40a-c) (Fig. 9; column 7, lines 32-35) as a function to perform recording and/or reproducing on the disk-shaped recording medium, wherein the floating unit includes a disk-carrying member having a roller arm 18 (Fig. 17; column 5, lines 39-42) which rotates itself while pressing the disk-shaped recording medium onto the disk guide, so as to carry the disk-shaped recording medium to a desired position; when the completion of the ejection of the disk-shaped recording medium is detected, the control member is moved to allow a projection formed on the control slider to contact a projection formed on the stationary frame, to thereby engage a part of the roller arm with a part of the disk guide. **However, Tuchiya shows that the control member is a wheel rather than a control slider.**
- With regard to claim 6, Tuchiya shows in Fig. 17 that the roller arm 18 is held obliquely to a plane having the opening for disk insertion and ejection on the stationary frame; that the disk-shaped recording medium inserted into the opening for the disk insertion and ejection is

carried orthogonal to the plane; **but fails to show** that the disk-shaped recording medium inserted into the opening for the disk insertion and ejection is carried **inclining to** the plane.

- With regard to claim 7, Tuchiya shows that the stationary frame comprises two frame sections having an upper frame 5 and a lower frame 4, and wherein a projection formed on the disk guide at the rear side of the disk apparatus is engaged with a hole formed **in the lower frame rather than the upper frame**, the disk guide is rotated a predetermined angle on their engaging portion as a rotation center, relative to the **lower rather than upper frame** at the front side of the disk apparatus.
- With regard to claim 8-11, Tuchiya shows the floating unit further includes a disk carriage-driving member which comprises a motor M for driving the roller arm 18, a transmission mechanism for transmitting the driving power from the motor to the roller arm (Column 7, line 64 to column 8, line 4), a loading completion detecting means for detecting the completion of disk-loading (Column 17, lines 39-41), and a control member 61 (Column 18, lines 8-9), which is a wheel for transmitting an information detected by the loading completion detecting means to the transmission mechanism; **but fails to show** a control slider.
- Applicant asserts; “An object of the present invention is therefore to provide a disk apparatus reduced in size, thickness and weight, by reducing the space where a disk is carried and the space between a floating block and a stationary frame, as much as possible, with a simple structure.” (Specification, p. 4)

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tianjie Chen/

Primary Examiner, Art Unit 2627